

Message Text

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SUBJECT: BASE NEGOTIATIONS

1. WE WERE SURPRISED TO READ IN MORNING PRESS REUTER'S STORY DATED

WASHINGTON AUG 8 REPORTING IN SOME DETAIL USGOVT OFFICIALS ON
CONCESSIONS USG PREPARED TO MAKE IN BASE NEGOTIATIONS.

2. PLEASE LET US KNOW ASAP WHETHER PRESS BRIEFED AND, IF SO, WHO
SAID WHAT TO WHOM.

3. FOLLOWING FULL TEXT REUTERS ITEM AS CARRIED LOCALLY QUOTE

THE UNITED STATES IS PREPARING TO RELINQUISH THE LAST VESTIGES
OF ITS FORMER COLONIAL HOLD OVER THE PHILIPPINES, ACCORDING TO U.S.
OFFICIALS.

IN FORTHCOMING NEGOTIATIONS ON U.S. MILITARY BASES IN THE ISLANDS,
THE UNITED STATES IS EXPECTED TO:

--GRANT THE PHILIPPINES CLEAR TITLE TO THE GIANT NAVAL
BASE AT SUBIC BAY AND CLARK FIELD AIR FORCE BASE, WHILE RETAINING
THE U.S. MILITARY PRESENCE AT ITS CURRENT STRENGTH OF 18,000

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MEN.

-- GIVE THE PHILIPPINE GREATER RIGHTS TO TRY AMERICAN SERVICEMEN WHILE RESTRICTING THE AMERICAN RIGHT TO POLICE THE AREAS NEAR THE BASES.

IF THE UNITED STATES IN FACT MAKES THE CONCESSIONS NOW BEING CONSIDERED, IT WILL GO A LONG WAY TO SATISFYING LOUD FILIPINO DEMANDS FOR CLEAR SOVEREIGNTY OVER THEIR TERRITORY AND AN END TO AMERICAN QUOTE EXTRA-TERRITORIALITY," UNQUOTE THE EXEMPTION OF U.S. SERVICEMEN FROM THE FULL FORCE OF PHILIPPINE LAW.

THE UNITED STATES IS CONVINCED THAT PRESIDENT MARCOS WANTS TO RETURN U.S. NAVAL AND AIR PRESENCE OF 8,500 SAILORS AND 9,000 AIRMEN -- IN THE PHILIPPINES TO PROTECT THE SEALANES OF THE REGION, INCLUDING THOSE TO AND FROM JAPAN.

WITHOUT THE U.S. SEVENTH FLEET AT SUBIC BAY, THE SOVIET NAVY COULD BECOME THE STRONGEST FORCE IN THE WESTERN PACIFIC AN ASPECT THAT IS BELIEVED TO FRIGHTEN CHINA, AS WELL AS THE NON-COMMUNIST COUNTRIES IN THE REGION.

THE PHILIPPINE LEADERS ARE UPSET AT THE U.S. FAILURE TO SAVE SOUTH VIETNAM AND CAMBODIA FROM COMMUNISM. THEY NOW REALIZE THEY CANNOT COUNT ON AN AUTOMATIC U.S. DEFENSE COMMITMENT IN SPITE OF THEIR 1951 MUTUAL DEFENSE TREATY.

FOR THESE REASONS PRESIDENT MARCOS HAS COMPLAINED IN RECENT MONTHS THAT THE BASE AGREEMENT MUST BE RENEGOTIATED ALONG THE LINES OF THOSE COVERING U.S. BASES IN THAT LAND AND SPAIN.

U.S. OFFICIALS AGREE THAT SOME ANACHRONISMS EXIST AND SAY THEY ARE PREPARED TO MEET MANY OF THE PHILIPPINE DEMANDS IN NEGOTIATIONS LATER THIS YEAR.

TECHNICALLY, THE BASES ARE PHILIPPINE SOIL AND UNDER PHILIPPINE SOVEREIGNTY. BUT THE UNITED STATES, WHICH HELD THE PHILIPPINE ISLANDS AS A COLONY UNTIL 1946, RETAINS GREATER RIGHTS IN THE REPUBLIC OF THE PHILIPPINES THAN IT HAS IN OTHER COUNTRIES WITH U.S. MILITARY BASES.

THE UNITED STATES IS BELIEVED TO BE WILLING TO STOP FLYING THE U.S. FLAG AT THE BASES, IN ACCORDANCE WITH THE PRACTICE AT TORREJON AND OTHER U.S. BASES IN SPAIN.

IT IS ALSO BELIEVED READY TO ACCEPT A FILIPINO MILITARY COMMANDER'S ASSUMING CONTROL OVER ROUTINE HOUSEKEEPING AT THE BASES -- THOUGH NOT OVER MILITARY OPERATIONS.

THIS, TOO, IS AIN KEEPING WITH THE U.S. PRACTICE IN LIMITED OFFICIAL USE

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SPAIN AND THAILAND.

THE STICKIEST AREA IS LIKELY TO BE CRIMINAL JURISDICTION OVER SERVICEMEN.

UNDER THE 1974 AGREEMENT, U.S. COURTS MARTIAL HAD THE RIGHT TO TRY ANYONE, INCLUDING FILIPINOS, WHO COMMITS CRIMES ON THE BASES.

PHILIPPINE COURTS HAD THE RIGHT TO TRY AMERICAN SERVICE-MEN FOR CRIMES COMMITTED OFF THE BASES WITH NO RELATION TO MILI-

TARY MATTERS.

THE AGREEMENT WAS RENEGOTIATED IN 1965 TO GIVE THE PHILIPPINES JURISDICTION OVER ALL NON-SERVICEMEN AND OVER ALL CRIMES COMMITTED OFF-DUTY SERVICEMEN, WHILE THE UNITED STATES RETAINED JURISDICTION OVER CRIMES COMMITTED BY ON-DUTY SERVICEMEN.

UNDER EXISTING LAW, A U.S. SAILOR WHO MURDERS A CREWMATE IN A MANILA BAR WOULD BE TRIED BY COURT MARTIAL BECAUSE THE VICTIM WAS ALSO A U.S. SERVICEMAN.

AMERICAN SERVICEMEN ACCUSED OF HIT-AND-RUN ON A FILIPINO OFF THE BASE WOULD BE TRIED BY A COURT MARTIAL, NOT BY A PHILIPPINES COURT, BECAUSE THE DRIVER WAS ON DUTY.

AN AMERICAN SECURITY GUARD WHO SHOT A FILIPINO IN THE VICINITY OF -- BUT NOT ON -- A U.S. BASE WOULD BE TRIED, IF AT ALL, BY A COURT MARTIAL, BECAUSE U.S. GUARDS HAVE POLICE POWERS IN THE VICINITY OF THE BASES. IN OTHER COUNTRIES, U.S. GUARDS HAVE POLICE POWERS ON THE BASES ONLY.

EVEN IN THOSE CASES WHERE A U.S. SERVICEMAN FALLS UNDER THE JURISDICTION OF LOCAL COURTS. UNDER THE CURRENT AGREEMENT HE MUST BE TURNED OVER TO HIS BASE WHILE HE AWAITS TRIAL.

AT THE TRIAL HE MUST HAVE THE SAME LEGAL RIGHTS HE WOULD RECEIVE IF HE WERE BEING TRIED IN THE UNITED STATES. IF A U.S. LEGAL OBSERVER DETECTS VIOLATIONS OF THOSE RIGHTS, ANY GUILTY VERDICT MUST BE APPROVED BY THE U.S. GOVERNMENT, ACCORDING TO PENTAGON LEGAL EXPERTS. UNQUOTE SULLIVAN

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